

## **ANNOUNCEMENT OF MODIFICATION OF GENERAL PERMIT FOR STORMWATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITIES**

### **Introduction**

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On December 1, 2004, Ecology modified the Industrial Stormwater General Permit, a National Pollutant Discharge Elimination System (NPDES) and state waste discharge general permit for stormwater discharges associated with industrial activities in Washington State. The modifications to the permit will take effect on January 14, 2005.

The modified permit provides coverage for industries located in Washington State that discharge stormwater associated with industrial activities. Under federal and state water quality law (Federal Clean Water Act and State Water Pollution Control Act); a permit is required for the discharge of wastewater. A discharge of stormwater associated with industrial activities is a discharge of wastewater.

Permits must be reissued at least every five years and the industrial stormwater general permit was reissued without substantive changes by Ecology on October 4, 2000, with an expiration date of November 18, 2005. After an appeal and settlement, Ecology revised the permit substantially and reissued it on August 21, 2002, with an expiration date of November 18, 2007. This permit was appealed. Because of the appeal and a new law passed by the legislature, Ecology modified the existing permit. This modification does not change the expiration date of the permit.

Most industrial activities that discharge stormwater either directly or indirectly to surface water are required to obtain permit authorization for their discharge unless they apply for and receive a "No Exposure" Certificate. Specifically, facilities listed in the Code of Federal Regulations (CFR) at 40 CFR Subpart 122.26(b)(14)(i-xi, excluding x), Stormwater Discharges, are included for coverage under the modified permit. A more complete listing of facilities and applicable Standard Industrial Codes (SIC) can be found in the modified permit in Appendix #1-Section C, categories 1-9 and 11.

### **Summary of Public Involvement Process:**

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Ecology provided public notice that the draft modified permit was available for public comment and announced public hearings on the permit. Notice was published in the Washington State Register on August 18, 2004, issue number 04-16-121, and on August 18 in the following newspapers: the Bellingham Herald, the Seattle Daily Journal of Commerce, the Spokane Spokesman Review, the Vancouver Columbian and the Kennewick Tri-City Herald. Ecology also mailed out approximately 1300 announcements to permit holders, environmental groups, state and federal agencies and Tribes and other interested parties. Ecology posted the announcement on the Ecology Stormwater home page. There were four public workshops and hearings on the proposed permit which provided interested parties an opportunity to give testimony on the permit. The hearings were held in Lynnwood, Olympia, Spokane and Ellensburg.

### **Summary of Revisions Based on Public Comments and Testimony:**

Ecology received public comments and testimony from 17 organizations and individuals. The draft modification was revised in response to those comments. Most changes were edits to correct minor errors or to provide greater clarity. The overall direction and intent of the revised permit have not changed. The permit was changed to make it clearer and more effective, based on comments received. These changes include:

- Clarifying the sampling requirements in S.4.A
- Clarifying the definition of “unstaffed” in S.4.B
- Adding the regional road maintenance plan from the NOAA fisheries 4(d) rule to the list of approved guidance documents
- Revising action levels to 3 significant figures and setting action levels for 303(d) listed parameters to twice the benchmark
- Revising the visual monitoring in S.4.C to require certification by a facility representative rather than by the inspector who may or may not be employed by the facility
- Removing the option in S.4.C to grant waivers by administrative order. Waivers require a modification of permit coverage.
- Changing monitoring for 303(d) listed parameters in S.4.g from monthly to quarterly
- Clarifying public access to SWPPPs in S.5.F to say that the public must have access to the SWPPP but not necessarily to the facility
- Clarifying the presumptive approach in S.9
- Throughout the document, clarifying that the legal requirements for a facility is on its cover sheet. Appendix 4 and 5 are provided as a courtesy.

Ecology has prepared a *Response to Comments*. It includes a redline/strikeout version of the permit showing all changes, Ecology’s response to all the issues raised by public comments and testimony, a list of those providing comments and testimony, and the text of comments and testimony. It is available from Ecology’s stormwater home page, <http://www.ecy.wa.gov/programs/wq/stormwater/>, or in hard copy by request to the address below.

### **Permit Coverage:**

Those facilities that have coverage under the current permit continue to have coverage under the modified permit unless otherwise notified by Ecology. Non-permitted facilities seeking permit coverage should request an application for coverage from Ecology’s headquarters office at the address below.

Anyone with knowledge as to why a specific facility should or should not receive coverage under this general permit may contact Ecology’s headquarters office at the address below (see appeal procedures).

### **Appeal Procedures:**

Pursuant to Chapter 43.21.B. RCW, the modified terms and conditions of the permit may be appealed within 30 days of receipt of the modified general permit. An appeal must be filed with the Pollution Control Hearings Board, P.O. Box 40903, Olympia, Washington, 98504-0903. In

addition, a copy of this appeal must be served on the Department of Ecology, P.O. Box 47600, Olympia, Washington, 98504-7600. The procedures and requirements for the appeal process are contained in RCW 43.21.B.310.

The terms and conditions of a general permit, as they apply to an individual discharger, are appealable within 30 days of the effective date of coverage of that discharger, in accordance with chapter 43.21B RCW. This appeal is limited to the general permit's applicability or nonapplicability to a specific discharger.

**Apply for Coverage or Obtain Additional Information:**

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| <b>Joyce Smith</b>                      | Phone: (360) 407-6858  |
| Water Quality Program – Stormwater Unit | FAX: (360) 407-6426  |
| Washington State Department of Ecology  | e-mail: <a href="mailto:josm461@ecy.wa.gov">josm461@ecy.wa.gov</a> |
| PO Box 47696                            |  |
| Olympia, WA 98504-7696                  |  |

Ecology is an equal opportunity agency. If you have special accommodation needs or require the fact sheet addendum and proposed modified permit in an alternative format, please contact Joyce Smith at (360) 407-6858 or TDD (only) – (360) 407-6006.